



**23 April 2019**

**Agenda Item:7**

## **REPORT OF CORPORATE DIRECTOR – PLACE**

**NEWARK AND SHERWOOD DISTRICT REF. NO.: 3/18/00756/CMA**

**PROPOSAL: DRILL AND TEST A BOREHOLE INCLUDING FLARING, ERECT CONTAINERISED UNITS AND ASSOCIATED PLANT AND EQUIPMENT, NEW ACCESS TRACK, EXTRACT MINE GAS, GENERATE ELECTRICITY AND ANCILLARY OPERATIONS**

**LOCATION: LAND AT RUFFORD HILLS FARM, OFF RUFFORD LANE, RUFFORD, NG22 9DQ**

**APPLICANT: INFINIS (FORMERLY ALKANE ENERGY UK LIMITED)**

### **Purpose of Report**

1. To consider a planning application for a new coal mine methane (CMM) gas extraction and electricity generation facility on land at Rufford Hills Farm, Rufford, which overlays workings of the former Ollerton colliery. The key issues relate to impacts to the historic setting of the nearby Rufford Abbey Registered Parkland including associated landscape and visual impacts; the highways and amenity impacts resulting from the construction and eventual decommissioning of the proposal; the extent to which alternative sites have been considered in selecting the application site and whether the public benefits of the proposal outweighs any identified adverse or harmful impacts to these interests.
2. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

### **The Site and Surroundings**

3. The site comprises arable farmland situated between Rufford and Wellow off Rufford Lane which links the A614 with the A616. Ollerton lies circa 1.5km to the north. The location is shown on plan 1.
4. Rufford Lane begins in Wellow before bridging a former mineral railway line. There are sporadic properties along the lane, a livery yard and intensive poultry sheds. It passes the Rufford Hills Farm complex and the entrance to a golf club, before dipping into the Rufford Mill area where there is a small row of properties, a holiday park and finally the mill complex and car park forming part of the wider Abbey and Country Park. There is a ford across the road at this point before it reaches the A614. Rufford Lane has a 40mph speed limit and is subject to an

Environmental Weight Limit prohibiting vehicles exceeding 7.5 tonnes (gross) in weight. There is an exemption for local access and there is also an exemption for high sided vehicles unable to pass under the bridge on the A614 at Ollerton.

5. The main part of the application site is sited to one corner of a large arable field 700m to the south of Rufford Lane. Also included are the margins of various preceding fields which are to form the access route from Rufford Lane up to the site. A simple field gate entrance into a small paddock is the proposed access point, which is near to the poultry units on the opposite side of the lane. There is a high voltage electricity line and pylons crossing north-west to south-east directly over the access gate.
6. The proposed access route crosses a public footpath (No.8) 250m from the access gate and generally follows alongside the field hedges and trees for approximately 750m to the main site. The land rises in elevation on this route from 60m AOD at Rufford Lane up to a local high point of 85m AOD at the main site.
7. The main site is 0.75ha in area and set aside from the remaining field pending this application. There is a fall in elevation across the site of circa 9m from north-west to south-east. A dense, tall hedgerow forms the southern and western sides. A mature Oak tree stands next to the proposed access route 100m north-west of the main site, under which there is a small pond. There is an existing farm trackway passing by to the south of the site which links down to the farm complex to the north-west. The site is approximately 700m from the nearest properties on Rufford Lane.
8. The continuous edge of a mature woodland (New Park Wood) is visible to the south beyond the neighbouring field and which forms part of the Rufford Abbey Registered Park and Garden (RPG), listed as Grade II. This covers a large area and also encompasses Rufford Park Golf Club as well as the popular Abbey and Country Park. At its centre are the Scheduled remains of the Cistercian monastery and listed buildings of the later country house. The main well site is 190m to this RPG and 1.5km to the Abbey remains themselves. There is a telecommunications mast on the field edge next to New Park Wood. Wellow also benefits from a village Conservation Area 1km to the north-east.
9. New Park Wood is also designated as a Local Wildlife Site (LWS) along with Rufford Country Park. LWS are also present across the former Ollerton Colliery tips circa 1.5 km to the north. Wellow Park SSSI lies 1.5 km to the north-east.
10. The site overlays the Top Hard Seam abandoned mine workings of the former Ollerton Colliery (at a depth of 391m below). The ground water resources form part of a Source Protection Zone 3 (total catchment) for public drinking water. There is a SPZ zone 1 (inner protection area) 1.6km to the west (Amen Corner) and a further SPZ 1 1.5km to the east (Ompton), both of which are locations for pumping stations for public water supply.

## **Proposed Development**

11. The planning application seeks permission for a development to extract the Coal Mine Methane (CMM) from the underlying abandoned colliery workings and to utilise this for electricity generation and export to the local electricity grid/network. Permission is sought for a 25-year limited period on the understanding that the CMM resource is viable. The applicant company has developed and operates similar facilities at the former colliery sites located at Bevercotes, Bilsthorpe, Gedling, Kings Mill, Mansfield and Warsop.
12. The proposal involves construction at surface level of a dedicated stone access track leading to a securely fenced compound housing the borehole which would be drilled down into the underlying mine workings, along with the siting of various containerised plant and equipment to generate electricity. The site totals 1.6ha of which 0.75ha is the compound area. The proposal is made up of five phases of construction, borehole drilling, testing, production/generation and finally restoration and reinstatement on cessation of generation (potentially in 25 years).
13. **Phase 1**, lasting 14 to 16 weeks, would involve the construction of a new access track and new bellmouth onto Rufford Lane (replacing the field gateway) and the construction of the borehole platform/compound. Typically working hours are stated as being between 07.00hrs to 18.00hrs Mondays to Fridays and 07.00hrs to 13.00 on Saturdays, with no Sunday or Bank Holiday working. (Note the County Council's noise consultant requests a 07.30 start).
14. As shown on plan 2 the access road would commence with a new bellmouth entrance surfaced with macadam for the initial 18m and with an entrance gate set back from the highway. The access would then continue as a stoned trackway using imported hardcore. Soils would be stripped/stored in advance of this.
15. At the proposed well compound the soils would also be stripped and stockpiled in a new bund. Imported hardcore would be laid and compacted over one or more geo-textile layers incorporating an impervious HDPE membrane with protective fleece to form the development platform.
16. The target for the borehole is the 'Top Hard' seam, which is the shallowest seam, at a depth of 391m and as such is likely to be one of the last areas to be affected by rising underground mine water.
17. The borehole would be drilled (up to 3 weeks) using a drilling rig and deviated/directionally guided to the target. The borehole design would be formed and lined with cemented steel casings. The drilling stage is a conventional process and would not involve any form of hydraulic fracturing or other similar processes. Drilling would take place 24 hours a day, 7 days a week utilising a drilling rig and associated equipment. During this drilling phase a variety of temporary plant and equipment would be on site, notably including a drilling rig which would be up to 35m in height. Temporary floodlighting would also be required.
18. **Phase 2** would comprise a 2 to 3 week period of borehole evaluation and gas testing including occasional flaring to certify whether gas volumes are commercially viable. (If it proved not to be viable then the development would be decommissioned and restored to agricultural use). This phase would involve portable equipment including a flare stack (enclosed type) during which the well

head valve would be periodically opened and the gas flared before being closed again. Whilst not continuous, flaring could occur at any hour or day for up to 2 weeks.

19. **Phase 3**, lasting 14 to 18 weeks would follow if the testing phase is successful in proving a viable gas resource and would involve the installation and commissioning of all necessary generation plant and equipment within the compound, along with final fencing and surface water drainage. Up to two containerised combustion gas engines would be installed, each generating up to 1.6MW of electrical power. These would be finished in Olive Green paint. Also present would be a containerised pump unit and four or five smaller cabins with similar finishes. The site would be covered with a layer of stone chippings and surrounded with 2.4m high welded mesh security fencing (finished dark green). New landscape planting comprising native hedgerows and individual trees would be provided around the outside of this security fencing, whilst the existing southern and eastern hedges would be retained. Finally a simple post and wire fence would demark the site from the adjacent fields. The site layout, elevations and 3D visualisation are shown on committee plans 3, 4 and 5.
20. **Phase 4** is the operational/generating period, potentially lasting for 25 years. Gas would be extracted for electrical generation 24/7. Electricity would be exported via a proposed buried cable following the access track down to Rufford Lane. There would be no flaring during its operational phase. A mains gas supply may also be required to supplement the mine gas as it depletes over time and a gas cabinet is shown on the plans. The site would be remotely operated from the applicant's control centre with the occasional engineer visit. A welfare unit would be provided for such visits. Security would be provided by an infra-red security alarm system and monitored CCTV. Movement triggered security floodlighting would be installed on a 5m high column and which would not be used except for times of maintenance or if the security system is activated.
21. **Phase 5** would be the final restoration of the site once commercially viable CMM gas has been exhausted (or in the event of not becoming viable to extract). The borehole would be plugged and abandoned and the application proposes a restoration of the land, including the access track back to agricultural use in accordance with a scheme to be agreed with the Minerals Planning Authority.

#### Construction traffic

22. The applicant proposes that HGV and construction traffic would more generally be routed to and from the site via Wellow, avoiding the ford at Rufford Mill. At all times turning space would be provided so to ensure vehicles can leave the site in a forward gear. The application estimates construction traffic movements as follows:
  - New bell mouth entrance- 3 HGV loads of stone/ 6 movements over 3 to 4 weeks. (There is likely to be additional deliveries of tarmacadam).
  - Formation of stoned access track -142 HGV loads/ 284 movements, across 3-4 weeks, equating to approximately 10 loads per day (20 movements).

- Formation of borehole platform/compound - 193 HGV loads/ 386 movements, across 3 weeks, equating to circa 13 HGVs loads a day (26 movements).
  - Drilling phase- mobilisation of drilling rig requiring a range of supporting contractors light vehicles and 0 to 5 HGVs per day for 3 weeks.
  - Evaluation/testing – 2 HGVs a day and 1 or 2 light vehicles.
  - Construction and plant installation/commissioning- between 1-10 light vehicles and up to 5 HGVs per day for 8 to 12 weeks, including some abnormal loads.
23. During the 25-year operational period there would be minimal movements on account of it being remotely operated, but access for routine maintenance would be needed. Upon final cessation of generation the site would be restored. Potentially this could involve a similar number of HGV and other movements as experienced during the construction phase to remove equipment and surplus hardcore.

## Consultations

24. **Newark and Sherwood District Council-** *No objection.*

*Raise no objection to this planning application provided that Nottinghamshire County Council is satisfied that the proposed development complies with the relevant Development Plan policies.*

Comments from Conservation Officer:

*Notes the development site is obscured from Rufford Country Park and the Abbey itself, but the proposed structures are likely to be seen in conjunction with the wider Registered Park and Garden (RPG) from viewpoints outside the Park, but no viewpoints are key vistas.*

*The RPG includes forested areas with narrow avenues or 'rides' laid out to create designed vistas out into the adjacent countryside. One of the avenues extends north-east towards the site, but due to vegetation screening there are no views from the interior of the RPG out to the surrounding countryside and vice versa. Should the designed vista/ rides of New Park Wood be reinstated the proposed development is likely to be prominent in the north-eastern vista from New Park Wood and may occupy the entire vista. This would constitute an adverse indirect development impact upon the RPG.*

*Deciduous landscape planting is proposed as mitigation which will only be partially effective. While the potential impact on this vista could be significant, the proposal is likely to cause less than substantial harm to the significance of the asset as a whole.*

*In accordance with NPPF paragraph 132, great weight should be given to the asset's conservation. This should be reflected by the decision making authority when assessing this application.*

25. **Rufford Parish Council - Objection.**

*Raises no objection to the proposal, but objects to the construction of a new road on the basis that there are two existing available alternatives. These are the roads providing access to Rufford Hills Farm and the existing units there and Wellow Lodge both of which are currently used by agricultural and commercial vehicles and are suitable for use in connection with the development.*

*It should be a condition of the permission that the site is restored to its original condition when the permission expires.*

*The Parish Council also wishes to emphasise that any other or further development at this site would be inappropriate given its historic location.*

After submission by the applicant of further justification for the inclusion of the new access track, Rufford Parish Council maintain their position and add that:

*1. Any footpath or pinch point issues are capable of remedy through the modification of the existing accesses.*

*2. The proposed new access will create a new traffic burden on the properties on Rufford Lane in the vicinity of that access.*

*3. The proposed new access will increase the traffic hazards on Rufford Lane.*

26. **NCC (Highways) – No objection, subject to conditions.**

*The site is to be served by an existing farm access off Rufford Lane, which is to be improved as part of this proposal. Rufford Lane is subject to a 40mph limit. The visibility from the access is poor due to the existing hedges. A condition is requested to require this to be cut back and maintained to provide visibility splays of 2.4m x 120m in accordance with current guidelines.*

*The application states that HGVs and construction traffic will access the site via the A616. There is no route plan submitted indicating where the HGVs are to be coming from and the expected routes taken along the A616 are unclear. A condition is requested to require a traffic routeing scheme be submitted prior to any works commencing on site providing suitable details.*

*As there is to be a temporary increase in vehicular movements along Rufford Lane as a result of this proposal, it is reasonable to request that a condition be imposed to provide a temporary directional/advance warning signage scheme for the junction of the A616/Rufford Lane, both for site vehicles and highway users.*

*Confirms there are no further comments to make in response to the bridge inspection survey.*

27. **Highways England (Historical Railway Estates) (HRE) – No objection subject to conditions**

*Following the completion of the requested survey of the structure of the former railway bridge (on Rufford lane) Highways England are content that the bridge is*

*suitable for use by the Special Vehicles (100T mobile crane and drilling rig) proposed by the Developer, subject to the following requirements by condition.*

- *Special Construction Vehicles shall cross the bridge at crawl speed along the centreline of the road. No lurching, braking or gear changing.*
- *HRE will arrange for dated monitoring tabs to be placed on existing fractures on the inside faces of the bridge parapets. The developer would be required to provide weekly photographic records of the monitoring tabs to demonstrate the bridge is not suffering unduly as a result of the abnormal load movements.*

*The above measures are intended to afford protection to the bridge which is not, under normal circumstances, subjected to regular HGV loading as it is protected by a 7.5 tonne regulation order.*

*The haulage/crane companies are legally obliged to notify their proposed movements to bridge owners. HRE can refuse or approve these with conditions.*

**28. Environment Agency- No objection subject to conditions.**

*Confirms that the site will need/ be regulated by environmental permits and that discussions are ongoing with the applicants.*

*Mitigation of environmental risk from activities such as drilling and the handling of waste at the site will be detailed in information provided to the Environment Agency to support these permit applications. The Environment Agency will assess this information to ensure that the necessary measures to prevent negative effects on the environment and human health are implemented. A method statement detailing how the work will be undertaken in a way that protects water resources will accompany this work.*

*The Health and Safety Executive are responsible for overseeing the design and construction of the proposed borehole. The well bore should be constructed in accordance with the requirements of the HSE and the Petroleum Exploration and Development Licence. The Agency's regulatory role regarding well integrity is limited to ensuring any well failure is managed so it does not pose an unacceptable risk to land, air or water.*

*The secure storage of oils, fuels and chemicals is required by the Control of Pollution (Oil Storage) (England) Regulations 2001.*

*A planning condition is requested to require a surface water drainage scheme to prevent pollution of controlled waters.*

**29. Natural England – No objection.**

*Following the submission of additional assessment information Natural England is satisfied that air quality impacts upon Wellow Park Site of Special Scientific Interest (SSSI) are no longer a constraint to the determination of this application.*

*Natural England are also reassured that the proposed development will result in minimal noise impacts to the Important Bird Areas (IBA) south of Ollerton and at Wellow Park SSSI.*

*Attention is drawn to standing advice with respect to protecting and enhancing local landscapes; the protection of best and most versatile agricultural soils; the conservation and enhancement for biodiversity; protected species; impacts to users of public rights of way; and other environmental enhancement opportunities.*

30. **NCC (Nature Conservation) – No objection subject to conditions.**

*Satisfied that the direct ecological impacts of the operational site will be minimal, given that it is currently under intensive agricultural production with limited potential to support protected species; and an abundance of similar habitat will remain in the vicinity. Nevertheless, the precautions set out in section 5 of the Preliminary Ecological Appraisal should be secured through conditions.*

*Generally satisfied that due to the relatively low noise levels during construction, their relatively short duration when elevated, and the relatively small area of the nearby woodland affected, this is unlikely to give rise to any significant impacts (e.g. on breeding birds). However consideration could be given to using temporary noise barriers during the construction phase, if this is to take place during the bird breeding season. Operational noise levels are not of concern.*

*A condition is requested to require lighting to be sensitively designed in accordance with Bat Conservation Trust Guidance with light spill minimised.*

*Conditions are recommended to require details of hedgerow/tree planting and wildflower seeding.*

*A detailed restoration scheme should also be secured by condition. Given that the resulting land parcel is relatively small and will therefore be difficult to farm, it is suggested that the site is established as a small woodland once decommissioned.*

31. **NCC (Built Heritage) - Comments.**

*Welcomes the joint approach to assessing Heritage Landscape and Visual Impacts and satisfied with the scope of this assessment and its finding that Rufford Abbey Registered Parkland is the main heritage consideration.*

*The assessment has a good analysis of the proposal's impact on the setting of the RPG, however NCC Built Heritage identifies an important part of the analysis missing relating to the archive of C18th correspondence relating to the creation of a network of vistas and rides that were planned and laid out from 1718 by Sir George Savile, 7th Baronet, and his estate surveyor Thomas Smith.*

*This considerable archive evidence shows the extensive intended and actual designed landscape surrounding the C18th Rufford Abbey which encompasses the whole of the landscape of the application site. This landscape to the north of New Park Wood must be considered very sensitive to impacts that would cause harm to the setting of the RPG.*

*The New Park Wood rides and vistas were designed to provide views between the high points surrounding Rufford Abbey Country House including lines of site that passed through and close to New Park Wood northwards to Wellow Park*

*Wood and Southwards to the Blyton hills at Eakring, and westerly towards the Rufford Abbey house itself. Many of the woodland rides survive and can be easily appreciated. The vistas beyond the rides are mostly now overgrown so that the C18th intended sight lines are now truncated but this does not remove the clearly appreciable understanding of the C18th landscape design ethos.*

*The proposals are modern and industrial in character, the combination of various elements, plant, containers, chimney, road way and fencing is quite distinctive and alien within a rural landscape that has mostly retained a post enclosure agrarian character. Proposed mitigation offered by the applicant is wholly inadequate to resolve the sense of intrusion it will create. The suggestions of the Council's landscape consultant are helpful but very unlikely to resolve the potential for harm to be caused to the setting of the registered parkland.*

*The proposal will cause harm to the setting of a designated heritage asset. The level of harm may be affected by the longevity of the development, restoration scheme and to a limited level, by mitigation measures (including additional landscaping as identified by the County Council's landscape advisor). Primary legislation, and national and local planning policies, require that harm to designated heritage assets is avoided in principle. The balancing of harmful impacts on designated heritage assets must be weighted and weighed against public benefits which should be clearly discernible, substantial and robust.*

**32. NCC (Archaeology) - No objection subject to conditions.**

*Largely agrees with the view that the proposal is likely to have a limited impact of buried archaeological remains, but given the proximity to the monastic and later country house estate of Rufford, archaeological monitoring of groundworks is advisable to ensure any impacts on previously unknown archaeology are mitigated.*

*Of more concern is the potential impact of the scheme on the wider landscape of the registered park and garden. Agrees with colleague's comments [NCC Built Heritage-above] in this respect. The vistas and rides of the present day New Park Wood are basically unchanged from their 18th C. design and layout. From the plans, it would appear that one of these rides will culminate with a vista of the proposed drilling rig.*

*Notes that there have been a number of developments within the vicinity of the Rufford estate which on their own would have had little impact on the registered park and garden or on its wider landscape, but which now, cumulatively, are beginning to erode the character of the area. This is happening, conversely, just as we are beginning to understand how many features of these earlier landscapes survive as earthwork features.*

*Only if there is clear public benefit arising from the proposal should the application be consented. If the authority is minded to grant permission, then an appropriate condition should cover archaeological mitigation and the appropriate restoration of the site.*

**33. Via (Landscape) – No objection.**

*The site lies within an intensively farmed arable landscape of rolling land with tree cover on the skyline, made up of New Park Wood and other smaller woodland blocks and hedgerows. There are several heritage assets within the wider landscape including New Park Wood RPG, Wellow Lodge and Wellow Conservation area. Rufford Abbey lies 1.5km to the south west. There are several footpaths within the area.*

*Existing trees and hedges should be protected from the proposed works. These will help to screen the development including the access track from surrounding footpaths to the north of the site. The proposed access track should be pulled back 3 to 4m from the field hedgerows to provide a buffer/root protection area and to retain the existing field margin.*

*In terms of landscape impacts the site lies within the Magnesian Limestone Ridge County character area and Wellow Village Farmlands with Ancient Woodlands (MN22) policy zone. The overall landscape condition for this policy zone has been described as good with a moderate sensitivity giving an overall landscape strategy for this area of "Conserve and reinforce". There are two landscape actions for this policy zone which are applicable to this application.*

*-Maintain any existing historic field patterns*

*-Conserve and maintain hedgerows and prevent fragmentation. Infill hedgerows where necessary.*

*The design proposals for this development go some way to meeting these but there is scope for more planting given the close proximity of several heritage assets in this area.*

*Agrees with the applicant's landscape assessment that the proposal would result in a moderate adverse significance of effect to the landscape features, but this could be further mitigated.*

*In terms of visual impacts 13 viewpoints have been considered by the applicant, only 2 are described as having views of the site, Viewpoint 1 and Viewpoint 10. The applicant assessed viewpoint 1 (from Footpath 8) as having a negligible significance of effect. Via Landscape considers this is an underestimate of the level of impact and this would be minor adverse. The new access road is crossed by this footpath and the new access road junction on to Rufford Lane with hedgerow removal for construction works and sight lines may have a slight/moderate adverse impact to visual receptors along Rufford Lane.*

*Recommends that the landscape proposals are strengthened to mitigate against the landscape/visual impacts especially as the development is within a historically significant landscape and in the immediate setting of several heritage assets:*

*-The 7.5m high chimney should be re-sited so that it does not line up with the designed rides within New Park Wood, should this ever be reinstated.*

*-A wider belt of tree planting should be provided around the development to appear as a 'stand' of trees within the landscape.*

*-The secure fence should be relocated inside of the landscape planting.*

*-Compensatory hedge/tree planting to lessen the urbanising adverse effect of the access road junction.*

*-Changes to the proposed planting and seeding of a soil bund.*

*A landscape masterplan should be required by condition and should provide increased planting widths, planting specifications and proposals for establishment, maintenance and long term management.*

**34. Via (Noise Engineer) - No objection subject to conditions.**

*A noise assessment has been undertaken which considers the various phases of the proposed development (construction, drilling, flaring and operation). The noise levels have been assessed against applicable guidance/ standards including BS4142:2014 for operational noise levels, BS5228:1 for construction noise levels and the NPPG guidance on noise for mineral extraction for the drilling and flaring phases.*

*The assessment of each phase considers the relevant noise sources, and these have been compared against pre-existing noise levels as required by the guidance. The assessments indicate that the proposed development complies with the relevant guidance and noise levels are predicted to be acceptable during all phases of the development.*

*Recommends conditions setting maximum permissible noise levels (daytime and night time) for the various activities and to require that construction works and associated deliveries shall only take place between the hours of 07:30-18:00hrs Monday-Friday and 07:30-13:100hrs on Saturdays with no construction works or deliveries on Sundays, Public or Bank Holidays.*

**35. NCC (Flood Risk) – No objection.**

**36. Via (Reclamation) - No objection.**

*The applicant has properly identified that the site has not been subject to previous development and that there are no contamination sources within influencing distance of the proposed site.*

*Air dispersal modelling for the main air borne contaminants of concern (NO<sub>2</sub> & NO<sub>x</sub>) have determined that there is no human and/or ecological risk associated with the proposed operations.*

*Any exploration/production well operating at the depths intended for this application includes an inherent risk of disturbing/impacting local groundwater resources. In this instance the operations will be drilling through the principal aquifer for the county. The applicant has included details of how the well will be constructed including details on the grouted casing which will be utilised to prevent mine water impact to potable water supplies.*

*Satisfied that the applicant has considered the relevant aspects of the operation in relation to its impact from associated adverse contamination and that the*

*proposed development can be carried out in a safe and an environmentally acceptable manner with no unacceptable impacts on the wider environment.*

*Therefore no objection is raised provided that the drilling operation and potential gas extraction are undertaken within the guidance/regulations of; Section 199 of the Water Resources Act, EA Environmental Permit, Oil and Gas Authority (OGA), the HSE, and the Borehole Sites and Operations Regulations 1995.*

37. **Via (Countryside Access)** - No objection subject to a condition.

*Rufford Public Footpath No. 8 will be crossed by the proposed access road. A condition should be applied requiring advance warning signage and yellow topped waymarker posts to advise traffic using the access road of the presence of the footpath.*

38. **The Coal Authority** - Standing advice applies.

*The site is located within the defined Development Low Risk Area. In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.*

39. **Wellow Parish Council; The Gardens Trust; Nottinghamshire Wildlife Trust; Gamston Airport; Western Power Distribution; Severn Trent Water Limited; National Grid Company; and Cadent Gas Limited** have not responded. Any response received will be orally reported.

## **Publicity**

40. The application has been publicised by means of four site notices, a press notice and 18 neighbour notification letters sent to the nearest occupiers in accordance with the County Council's adopted Statement of Community Involvement.
41. Two letters of representation have been received raising objections on the following grounds:
- (a) Impact of construction traffic utilising Rufford Lane. This is used as a rat-run and by large lorries delivering to local businesses and farm traffic. During a 6-week period 20-tonne HGVs will make approx. 345 journeys to the site/ 690 two-way plus ancillary traffic). All traffic is to be routed from Wellow past houses. Question is also raised about the integrity/safety of the bridge;
  - (b) The existing farm track should be utilised instead of constructing a new access track;
  - (c) Noise. The extra noise from passing construction traffic is unacceptable. Concerns also over heavy plant noise during construction operations and the night time operation/generation noise);

- (d) Adverse effects on visual amenity- including its situation on elevated land in open countryside and cumulative landscape harm;
  - (e) Heritage impact to Rufford Abbey/ park;
  - (f) Use of primary agricultural land and harmful site legacy/blight if not fully restored;
  - (g) Non-essential development in the open countryside/ other more suitable brown field sites are available;
  - (h) The proposal encourages an over-reliance on fossil fuels/will not contribute to legally binding climate change/carbon reduction targets.
42. Councillor John Peck raises no objection to the application in principle, but supports the view of Rufford Parish Council in that the construction of the new access road is unnecessary due to the alternatives being available. He also endorses the request that the site is required to be restored to its original state at the conclusion of gas extraction.
43. Councillor Mike Pringle has separately been notified of the application.
44. The issues raised are considered in the Observations Section of this report.

## **Observations**

45. In determining planning applications decisions need to be made in accordance with the Development Plan taking into account material considerations which include the National Planning Policy Framework (NPPF-2019), along with its supporting Planning Practice Guidance. At the 'heart' of the NPPF is the presumption in favour of *sustainable* development, but this does not change the statutory standing of the Development Plan and therefore the Nottinghamshire Minerals Local Plan (MLP) (2005) along with any relevant parts of the Newark and Sherwood Local Development Framework (comprising NSDC Amended Core Strategy (2019) and Allocations and Development Management Policies Document (ADMP DPD 2013) remain the starting point for considering this application. In considering such policies which pre-date the NPPF due weight should be afforded to them according to their degree of consistency with the NPPF.

### Principle of the proposed development

46. This proposal is for coal mine methane (CMM) extraction and related electricity generation therefore Policy M13.5 of the MLP is engaged. It states that proposals for the collection and processing of mine gas will be permitted provided that there are no unacceptable impacts on the environment and to residential amenity. The supporting text explains that mine gas accumulates in closed mine workings and may start to escape to the surface. Previously this may have been vented at collieries, but over more recent time a series of electricity generation facilities fuelled by capturing this gas have been established (primarily by the applicant company). This prevents the release of methane to the atmosphere, where it

would act as a most potent greenhouse gas and converts this to a useful fuel which in turn reduces the need for other finite fossil fuels.

47. Paragraph 205 of the NPPF states that when determining planning applications great weight should be given to the benefits of mineral extraction, including to the economy. Paragraph 209a) of the NPPF sets out that planning authorities should recognise the benefits of on-shore oil and gas development, for the security of energy supplies and to support the transition to a low-carbon economy. Members should however note the inclusion by the Government of para 209a) into the NPPF has been recently found unlawful in a High Court judgment on the 6<sup>th</sup> March<sup>1</sup>. Whilst the implications of this judgement are still being fully understood, no weight can be afforded to paragraph 209a.
48. The remaining arms of para 209 were not subject to the above legal challenge, including 209b) and 209e). Part b states that the planning system should clearly distinguish and plan positively for the different phases of oil and gas development, whilst ensuring appropriate monitoring and site restoration is provided for. Part e then specifically directs Minerals Planning Authorities to “encourage the capture and use of methane from coal mines in active and abandoned coalfield areas.”
49. Chapter 14 of the NPPF sets out that the planning system should support the transition to a low carbon economy, including through ways of contributing to radical reductions in greenhouse gas emissions and support for low carbon energy and associated infrastructure. It seeks to expand the use and supply of renewable and low carbon energy and decentralised supply systems. Paragraph 154 states that planning authorities should not require applicants to demonstrate the overall need for the proposed renewable or low carbon energy and to recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Such application proposals should be approved if the impacts are or can be made acceptable.
50. Core policy 10 of the NSDC Amended Core Strategy sets the objective for tackling the causes of climate change and delivering reductions in local CO<sup>2</sup> emissions. Along with accompanying Policy DM4 (within the ADMP DPD) the policy seeks to promote renewable, low carbon and decentralised energy generation projects where the benefits are not outweighed by detrimental impacts to landscape, heritage, amenity, ecology, or highway safety.
51. Spatial Policy 3 and the accompanying Policy DM8 within the ADMP DPD both seek to protect the countryside from development except where the uses require a rural setting. The latter policy sets out the types of rural development which would be appropriate.
52. In considering the above principle issues it is clear there remains strong policy support for exploiting the available mine methane resource and there is a pressing need for new forms of electricity supply to decarbonise the economy. The

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<sup>1</sup> Stephenson vs SoS for Housing and Communities and Local Government (2019) EWHC 519 (Admin)

applicant estimates that over the project life, there is an estimated 96.85 million m<sup>3</sup> of recoverable pure methane equivalent, which is equivalent to 82 barrels of oil per day. The proposal would use the mine gas for onsite electricity generation and export to the local electricity grid, powering the needs of up to 2000 homes. The drive of planning policy is for renewable and low carbon forms of energy generation and supply to which CMM does not readily fit within such categories, as it is essentially a non-renewable fossil fuel. Notwithstanding this the development would amount to a small-scale input able to work within the UK's mix of electricity generation which is going through a transition period as coal increasingly gives way to renewable sources. The UK though remains reliant on gas-fired generation (using a majority of imported gas) whilst renewable sources come on stream.

53. The types of small scale facilities, such as that proposed, have a role to play and are often suited to responding to peaks in demand and fluctuation as a result of the rapidly increasing contribution from off-shore wind in particular. There is also a reasonable argument that exploiting the indigenous CMM would off-set the import requirements for other energy including gas (also the production and shipping of Liquefied Natural Gas) whilst providing flexible electricity generation allowing the retirement of the UK's remaining coal-fired power stations. This broadly is the argument that domestic gas provides the 'bridge' from traditional coal-led generation towards low carbon (e.g nuclear) and renewable sources. This transition is taking place, but will take time as changes are also needed to the UK's grid system as new generating capacity is delivered.
54. Looking at climate change impacts, mine gas being heavily comprised of methane is also capable of acting as a potent greenhouse gas if released to the atmosphere (approximately 25 times more potent than Carbon Dioxide, although it does break down over time) and this would be detrimental to the UK's efforts to avoid damaging climate change through the Climate Change Act and international treaties such as the Paris Agreement. Utilising CMM through generating engines removes this potential greenhouse gas which can naturally escape from coal workings. However, in the present instance the former Ollerton colliery workings have been sealed and it is not apparent and nor does the application provide evidence that any CMM is currently escaping or likely to escape from the underground mine workings into the atmosphere. This is in marked difference to many former landfill sites where landfill gas (also predominantly methane) is readily released as a result of decomposition and where it is common to capture and utilise this gas also for generating electricity. If this is the case then the exploitation of the CMM resource is purely considered as a form of hydrocarbon extraction and which does not necessarily offer any benefits in terms of preventing any pre-existing uncontrolled emissions to the atmosphere. It would at least though remove such a possibility. Any methane which is released during the testing of the borehole will be flared under the terms of an Environmental Permit.
55. The exploitation of the CMM resource should be compatible with the efforts to tackle damaging climate change. The Climate Change Act has established a system of carbon budgets whereby sectors of the economy (including electricity generation) are expected to de-carbonise over time. Gas will play its role in the transition from coal generation to renewable and low carbon forms and CMM, as a locally available and indigenous resource, can offset import and shipping

emissions. The flexibility as noted also has a useful function to play. Therefore, whilst this transition takes place it is evident that the proposed development is compatible with climate change policies and ambitions.

56. Finally, in terms of the policies protecting the countryside (Spatial Policy 3 and Policy DM8), whilst the proposed development is not considered to expressly fall within any of the types of development cited in the policies as being acceptable in such locations (although an argument could be made that it is a form of rural diversification), it must be remembered that these are district level policies whereas policies for the extraction of minerals, including mine gas, are within the County's remit for which the Minerals Local Plan importantly reflects that mineral resources can only be extracted where they are found - in this case from the underlying former Ollerton colliery mine workings. Reduced weight can therefore be given to Spatial Policy 3 and Policy DM8 in this instance. The applicant has nonetheless considered alternative surface sites as set out later in the report.
57. The principle support for utilising this gas resource is therefore well established and acceptable, but this is subject to the assessment of all relevant environmental and local amenity impacts in the usual manner as set out in the remainder of the report.

#### Traffic and access issues

58. MLP Policy M3.13 states that permission for minerals development will only be granted where the highway network can satisfactorily accommodate the vehicle movements likely to be generated and where this would not cause any unacceptable impact upon the environment or disturbance to local amenity. Policy M3.12 enables the MPA to require measures to prevent damage to the public highway and to prevent mud and deleterious materials being deposited.
59. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable highway safety impact or where the impacts on the road network would be severe.
60. The application site would take access from Rufford Lane, by means of an enlarged gated entrance way and new stone access track leading along field margins up to the proposed well/generating site. The stone track would cross Public Footpath No.8 part-way along this as further considered in the report. Due to the obvious constraints of the ford at Rufford Mill and the level of visitor activity there, the applicant proposes that construction traffic is instead routed to and from the A616 at Wellow.
61. The traffic impacts resulting from this proposal would largely relate to the drilling and construction period (including the formation of a new access track) and then at the end of its operational life (circa 25 years) during the subsequent decommissioning. During its operational period there would be minimal traffic as the facility would be remotely operated. The impacts relate both to the ability of the highway to accommodate the traffic, including some over-sized/abnormal loads, as well as associated amenity impacts to the area in general and to several rural properties along Rufford Lane.

62. At the construction phase there would be a noticeable increase in vehicular movements along Rufford Lane, many involving HGVs to import hardcore materials along with specialist loads and equipment to drill the well. This may create a temporary inconvenience (for 37 weeks in total) to other traffic and to local residents, however this will be a temporary period, the movements will be during day-time hours and can be managed by a construction traffic management plan. Rufford Lane is subject to a 40 mph limit and regular users will be familiar with encountering farm traffic and HGVs accessing, for example, the neighbouring poultry units.
63. The County Highways Authority do not raise any objection on highway capacity grounds, subject to certain requirements. These relate to the design of the proposed bell mouth junction onto Rufford Lane ensuring that suitable visibility splays are provided which can be subject to planning conditions. This would also require a section 278 Highways Act agreement. Separately it is noted that, whilst it is known that traffic would route via Wellow, the application does not look beyond that in terms of the means of routeing to access Rufford Lane. A routeing strategy is therefore required under condition to consider wider routeing issues (part of a construction management plan). This would be an appropriate mechanism for what would be a temporary operation. Finally it would be necessary to have a construction traffic management scheme including provision of advance safety signage for the approach roads.

*Alternative site access*

64. Members will note in the publicity section above that Rufford Parish Council has objected to the proposed development on the basis of the proposed new access track construction and the preference that an alternative route along existing farm roads and tracks is instead used. This existing alternative is shown on committee plan 2 where it will be noted that this route also forms two public footpaths Nos 8 and 9.
65. The applicant has reaffirmed their preference to construct the proposed access track, as they consider the alternative would result in a greater conflict with users of the public footpaths, would involve HGVs going directly past properties at the farm and the lodge and because it has constraining 'pinch points' for HGVs.
66. In response the Parish Council maintain their stance as set out above and consider issues are resolvable and preferable to the applicant's proposal.
67. Officers consider it is not necessary to consider one access against another if the proposed access arrangements are acceptable in highways and planning grounds. The County Highways Authority is satisfied as noted above, subject to planning conditions. As will be noted elsewhere, a crossing point for public footpath No. 8 can be put in place along the proposed access route which would satisfy the Rights of Way Officer and safeguard the users of this path. Furthermore, there are no adverse amenity concerns arising from the proposed point of access to Rufford Lane, subject to controlling the hours of HGV movements. The closest properties (Brickyard Cottages) are 90m to the east but front onto Rufford Lane and so would be passed by the construction traffic whichever point of access is used. The County Council's Noise Consultant has also considered the issue of construction traffic noise to these and other nearby

residential properties and does not raise any objection. In visual and landscape terms, the access track would predominantly follow field margins and being constructed with crushed stone would assimilate into the environment and is a familiar feature in the rural landscape. The new bellmouth would be more noticeable than the current simple field gate, but again there are similar such accesses in the vicinity serving farms and poultry units. There is therefore no basis for refusing the proposed access arrangements and it is not necessary to consider in further detail any merits of the alternative route.

#### *Former railway bridge on Rufford Lane*

68. Members will also note that a local representation raised concerns about the condition of the former railway bridge between the site and Wellow and its ability to handle the construction traffic. This led to discussions with the County Council's highway management agent (Via East Midlands) and with Highways England (Historical Railways Estates) – the asset owner – where initial concerns were reiterated about its condition and the lack of an up to date condition survey. Based on these discussions Planning Officers considered that it was essential in this instance to have an up to date understanding of the bridge condition at the application stage, since if this bridge proved later to be unsuitable, the only alternative means of access would be from the A614 through the Rufford Mill area and, with its obvious constraints, it is not immediately clear whether this would be acceptable on highways or amenity grounds.
69. The applicant company commissioned Via East Midlands to undertake this bridge inspection and an assessment of its ability to handle the proposed abnormal loads. The inspection took place in February. The final assessment concludes that the bridge has adequate structural capacity to allow the passage of the abnormal loads (cranes and drilling rig), providing they do so at a crawl speed and following the centreline of the carriageway. Highways England advise that this should be required under planning condition. They additionally require a simple monitoring scheme to be enacted during construction works to visually monitor for any movements in the existing fractures. Both requirements are considered reasonable and can form part of a requirement for a construction management plan.
70. Issues of amenity are considered later in the report, to take account of the construction and operation of the proposed facility, including impacts from associated vehicle movements in more detail.
71. Based on a thorough understanding of highway matters the proposal is considered to accord with Policy M3.12 subject to the traffic management and junction design provisions required by condition as noted above.

#### Noise and residential amenity

72. MLP Policy M3.5 states that permission for minerals related development will only be granted if the off-site noise emissions are within acceptable levels.
73. The NPPF states that in considering proposals for minerals development, planning authorities should ensure any unavoidable noise (and other emissions) are controlled, mitigated or removed at source. Detailed guidance is provided

within the accompanying Planning Practice Guidance (PPG) relating to minerals development. This sets separate noise limits for residential receptors of no more than +10dB(A) over the background noise level (LA90, 1h) during normal working daytime hours, but in any event should not exceed 55dB(A). At night there is a more stringent limit of 42dB(A) LAeq,1h.

74. The applicant's noise assessment has considered the noise impacts of the various stages of the development, including the temporary construction and drilling phases and the operational period. The effects from construction traffic have also been considered alongside site construction works.
75. The nearest noise sensitive receptors are Brickyard Cottages, circa 90m east of the site entrance, 'The Bungalow', 170m to the west of the entrance (both are circa 700m to the proposed well site), followed by Rufford Hills Farm further to the west. Properties on Eakring Road in Wellow have also been considered. Background noise levels are generally low as reflective of the rural area.
76. The County Council's Noise Consultant is satisfied with the applicant's assessment after receiving additional information and after noise modelling had been updated to take into account construction traffic noise. The predicted noise levels at all stages of the proposed development are within the acceptable thresholds as set out in the PPG and relevant British Standards and should be stipulated as limits within a planning condition.
77. Drilling operations would be within the +10dB and 55dB maximum noise thresholds as set out in the PPG for both day and night time and when running the generators are likely to be 'just perceptible' at the nearest dwellings with a calculated Rating noise level of 25dB (A) which would be 13dB below daytime background noise and 4dB below night time background noise.
78. A condition is recommended to stipulate reasonable construction (and HGV delivery) hours starting from 07.30hrs.
79. Separately the noise impacts have been considered by the ecological consultees as discussed elsewhere in this report and found not to impact any wildlife sites in the area.
80. Accordingly, the application has been fully assessed to comply with applicable noise limits serving to protect the amenity of nearby residences and the environment more generally and is in accordance with MLP Policy M3.5 and national planning policy and guidance.

#### Heritage impact

81. MLP Policy M3.25 states that planning permission will not be granted for minerals development where this would cause an unacceptable level of harm to the character, appearance, condition or setting of conservation areas, listed buildings and historic parks and gardens.
82. Paragraph 189 of the NPPF requires the applicant to describe the significance of any heritage asset affected, including any contribution by setting. The heritage asset should be assessed using appropriate expertise where necessary.

83. In considering the impact of a proposal on a heritage asset, planning authorities should take account of the evidence and any expertise to avoid or minimise any conflict to the asset's conservation (para 190). Planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution they make to sustainable communities (para 192). When considering impacts great weight should be given to the asset's conservation irrespective of the degree of harm to its significance. Substantial harm to or loss of grade II listed buildings and grade II registered park and gardens should be exceptional (para 194). Where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal. (Para 196).
84. In accordance with NPPF paragraph 189 the applicant has submitted a bespoke Heritage Landscape and Visual Assessment enabling a very good understanding of the issues affecting the application site and it is an approach which is welcomed.
85. The application site comprises part of the rolling arable countryside outside of, but within the eastern setting of Rufford Abbey Registered Park (and Garden) (RPG) listed at Grade II. This immediate setting is framed by the views towards the edge of New Park Wood to the west, which forms part of the RPG. The parkland has its broader association with Rufford Abbey Country House (Grade I) and its Scheduled monastic remains at the centre of this historic estate, but it is the impacts to the RPG which are applicable in this instance.
86. The County Council's Heritage Conservation Officer is generally content with the quality of the applicant's heritage assessment and the identified impacts of the proposed development to the setting of the RPG. The one aspect which has not been fully dealt with relates to a series of designed vistas and rides which were laid out through New Park Wood and the wider landscape by the 7<sup>th</sup> Baronet Saville and his estate surveyors from 1718 onwards. Many of these rides still remain within New Park Wood and can be appreciated from the ground (although there is no public access) and from aerial imagery, revealing a typical eighteenth-century layout of rides fanning out from a central point. Archival documents and research<sup>2</sup> show the level of thought and detail that went into the designing and the layout of these rides so that they provided recreational and aesthetic interest. The radial layout within New Park Wood was designed to afford vistas well beyond the woodland out into the wider estate lands and to landmarks such as church towers. One vista was designed to run north-eastwards to line up with Wellow (likely to St Swithin's Church). The fan layout of these rides and vistas can clearly be seen in the 1835 Sanderson map extract on plan 6.
87. It is likely that these rides and vistas extended beyond the woodland across the estate's open farmland to the east of Rufford, on which the proposed

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<sup>2</sup> Sarah Law, *Early Eighteenth Century Rides in Estate Context: Practice at Rufford Abbey, Nottinghamshire, 1700-43; Garden History Vol 45:1, 2007*

development would be sited. Researchers are not clear in what form these took, but it suggests that the farmed landscape also has some tentative heritage interest as a result of its historic connection within the Rufford estate.

88. Today the vistas out of New Park Wood are now truncated by reforestation and regrowth and there is a continuous woodland line when viewing New Park Wood from the application site, such that there are no vistas to or from the application site. Should however these rides ever be reinstated (a desirable conservation objective) it could reveal the direct vista out towards the proposed development site, where due to its elevated position, and certain tall elements (exhaust stacks) exceeding the screening hedgerow, the proposed development would likely appear visible in the distance, possibly incongruously in that historic vista, although it is to be noted that background electricity pylons would also be visible.
89. On the basis of this assessment NCC Built Heritage advises that the farmed landscape to the north and east of New Park Wood is very sensitive to impacts that would cause harm to the setting of the RPG. It concludes (in agreement with the County Archaeologist and District Conservation Officer) that the proposed development would cause harm to the setting of this designated heritage asset. Such impacts should at first be avoided in principle. Mitigation through more robust landscape planting around the proposed facility could reduce the level of harm but are unlikely to totally resolve this noting the intrusion of alien elements of plant, containers, chimney flues, road way and security fencing into a rural landscape. The longevity of the development also affects the level of harm, but ultimately this would be a temporary impact during the life of the proposed development.
90. There is therefore an identified harm (by means of setting impact) to the Grade II Registered Park and Garden (RPG), as a result of the choice of site for this development and that landscaping and other mitigation will not entirely resolve this. For the purposes of the NPPF the level of harm falls within the *less than substantial* category which triggers a planning balance under NPPF paragraph 196 against public benefits and this forms the conclusion to this report.
91. Briefly in terms of possible archaeological impacts, the submitted Heritage Landscape and Visual Assessment identifies a moderate potential for archaeological remains from the medieval period onwards, likely to be of local significance.
92. MLP Policy M3.24 states that permission will not be granted for development which would destroy or degrade nationally important archaeology and their setting, whether scheduled or not. Where the archaeology is assessed to be of lesser importance, permission will only be granted where the importance of the proposed development outweighs the significance of the remains and that appropriate provision is made for the excavation and recording of any remains.
93. The County Archaeologist agrees with the applicant's assessment of the significance of possible archaeology and on that basis advises that if there are clear public benefits arising from the proposal, permission could be granted subject to inclusion of planning conditions requiring archaeological monitoring and mitigation during works and to ensure the appropriate and eventual restoration of the site. As detailed in the planning balance at the end of the report,

officers do consider that the balance weighs in favour of the development in this instance and accordingly there is no conflict with Policy M3.24.

### Landscape and Visual Impact

94. MLP Policy M3.22 sets out that landscape character and distinctiveness should be fully taken into consideration by developers in formulating their plans. Planning permission will not be granted for minerals developments which are likely to adversely impact upon the landscape character/distinctiveness unless there are reasons of overriding public interest or where mitigation measures can reduce the impact to acceptable levels.
95. MLP Policy M3.3 requires minerals development to keep visual impacts to acceptable levels. Plant, structures and buildings should be located so as to minimise impacts to adjacent land; be kept as low as practicable; be of appropriate colour and external treatment; and which should be satisfactorily maintained during their life and thereafter removed upon cessation of extraction. MLP Policy M3.4 provides further details about the use of screening and landscaping of proposals. It provides the basis for requiring development proposals to include landscaping and planting details and to retain and enhance existing landscape features of interest and value in screening development proposals.
96. Policy DM5 (design) of the NSDC Local Development Framework states that the rich local distinctiveness of local landscape and built form should be reflected in the scale, form, mass, layout, design and materials of new development. In accordance with Core Policy 13, all development proposals will be considered against the Landscape Character Assessment Supplementary Planning Document. Core Policy 13 states that development proposals should positively address the implications of relevant Landscape Policy Zones and be consistent with the landscape conservation and enhancement aims for the area ensuring that landscapes, including valued landscapes, have been protected and enhanced.
97. Planning decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits of best and most versatile soils and woodland. (Para 170 NPPF).
98. The site falls within the Wellow Farmlands with Ancient Woodland policy zone as set out in the Newark and Sherwood Landscape Character Assessment. This has a 'good' landscape condition with a 'moderate' sensitivity, resulting in an overall landscape strategy of 'conserve and reinforce'. As part of this, historic field patterns should be maintained and hedgerows should be maintained and conserved and in-filled where possible.
99. The County Council's landscape consultant has considered the applicant's Heritage, Landscape and Visual Impact Assessment and does not raise an objection to the application but noting some areas for enhanced planting and design changes and some concern for the loss of hedgerow at the site entrance.
100. Overall there would be a moderate adverse effect to the landscape interests from the development proposal. The proposed siting and design makes beneficial use

of the existing southern and eastern hedge lines which are taller than other hedges in the area. These could be reinforced with new planting. However, the proposal also introduces a form and character of commercial development to the rural landscape. Many of the individual elements within the compound would be low in height and appropriately coloured in accordance with the requirements of Policies M3.3 and M3.4 however the flue stacks would rise above the fencing and probably above any soft border planting. This form of development may not fully address the criteria of Policy DM5 as the form and materials of the proposed development are necessarily of a functional and secure nature. There are though limited and distant public vantage points of the well site and appropriate landscape planting can provide a good level of site screening.

101. The landscape consultant sought to reinforce the landscape planting around the proposed well site with a wider belt of trees, which would be permitted to form a stand of trees over time. The applicant has indicated their reluctance to go much further with this planting as they have an agreement with the landowner to take back control of the site and return it to the farmland use upon cessation of the development (potentially 25 years). They are willing to allow some of the existing southern hedge to develop into trees for it to be reinforced with new tree planting along with tree planting on the eastern bund. This would provide enhancements and reinforcements to the existing field boundaries and final details can be required by planning condition. This approach would enable restoration back to agricultural use, which accords with the wishes of the Parish Council, but which would not meet the aspirations of the County Ecologist for a lasting small woodland (restoration is further considered in the report).
102. In respect of visual impacts, the well site is situated well beyond the public footpaths on private farmland. Possibly more noticeable would be the widened bellmouth onto Rufford Lane which would entail the removal of 55.5m of existing mature hedgerow, to be replaced with 47m of new hedgerow planting on a revised visibility splay either side of the entrance. The initial stretch of the access track would be metalled before becoming a stone track. This would result in a slight/moderate adverse visual impact, certainly in the initial years of the new planting becoming established. There would also be a minor adverse visual impact from users of public footpath No.8.
103. Officers consider that the stone access track leading up to the well site will naturally mellow and blend into the field edges in good time. Similar farm tracks are evident in the local landscape and are not necessarily incompatible with this working landscape.
104. The landscape consultant also highlights the landscape heritage issues with the development in line of an historic vista and ride leading out of New Park Wood (as discussed in the heritage section) highlighting that the 7.5m tall flue stacks would be the most prominent features of the development and which would be better sited to avoid this direct line (which is currently cut off). However it is not immediately clear if such micro-siting of these taller elements could negate any possible conflict with the historic vista and ride should it ever be reinstated. The flue stacks would likely not be fully screened by the existing and reinforced landscaping. In all likelihood only a different development site would definitively remove the identified harm to the historic, but truncated vista from New Park Wood.

105. The identified landscape and visual impacts will need considering in the overall balance, but if planning permission is granted it would be necessary to require a comprehensive landscape masterplan and planting scheme to mitigate and screen the well site and to provide replacement hedgerow planting along Rufford Lane. Planning conditions are therefore recommended to deliver these necessary mitigation measures, which would then reduce the impact to acceptable levels in accordance with Policy M3.22.

#### Public rights of way

106. MLP Policy M3.26 states that where minerals development temporarily or permanently disrupts a public right of way, an alternative route should be chosen which offers equivalent interest and quality.
107. The proposed access road would cross Rufford footpath No.8 approximately 250m from Rufford Lane (as shown on plans 1 and 2). The Countryside Access officer is satisfied that this path can remain open, without requiring a diversion, subject to a requirement by condition for a safe crossing signage scheme and marker posts to be provided to forewarn both vehicles and walkers. The enjoyment of this route by users should not be significantly affected by the proposed development, although it is accepted that the short term initial construction stages will introduce a level of noise, traffic and general construction activity for a temporary period within what is currently a rural context. Therefore, there is some impact to consider in the overall planning balance.

#### Ecological impact

108. MLP Policy M3.17 states that planning permission will not be granted for minerals development which will adversely affect the integrity or continuity of habitats or features identified as priorities in the UK and/ or Nottinghamshire Local Biodiversity Action Plan, unless an overriding need for development is demonstrated to outweigh the nature conservation interests. In such circumstances provision of compensatory measures are sought.
109. Policy M3.19 states that planning permission will not be granted for minerals development which would have an adverse effect, directly or indirectly, on the special interest of a Site of Special Scientific Interest (SSSI) or a candidate SSSI unless the reasons for the development outweigh the nature conservation considerations.
110. The NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity through establishing coherent ecological networks. Planning decisions should also prevent new development contributing to unacceptable levels of, inter alia, air, water, or noise pollution (para 170). Paragraph 175 sets out the sequential approach to biodiversity i.e. significant harm to biodiversity should first be avoided (including if necessary through refusing planning permission), followed by providing adequate mitigation, or as a last resort compensated for. Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

111. The application site is currently in intensive agricultural use and apart from adjacent mature hedgerows and nearby trees is of minimal ecological value. The submitted Preliminary Ecological Assessment has adequately considered possible impacts (particularly for the construction phase) and makes various recommendations which the County Ecologist advises should form planning conditions. Some mature hedgerow removal would be required to create a widened access onto Rufford Lane, but this could be mitigated with replacement planting.
112. In the wider locality there are several woodlands around Ollerton (the former pit tips) which are considered important bird areas, as well as Wellow Park SSSI, which Natural England consider sensitive to noise emissions and deposition of pollutants respectively. After undertaking further assessment of the likely emissions arising from the operation of the proposed generating facility, Natural England is now satisfied there would be minimal noise and emission impacts to these sites. The County Council's Ecologist is also generally satisfied with potential noise impacts to New Park Wood Local Wildlife Site to the south.
113. Landscape planting and seeding would be required to take into account locally appropriate species and mixes and to provide some enhancements to the wildlife value of the site. The final restoration condition of the site is further considered in the report.
114. Subject to conditions the application is considered compliant with Policies M3.17 and M3.19 and the objectives of the NPPF are satisfied in delivering ecological enhancements.

#### Air quality

115. The NPPF at paragraph 170 states that planning decisions should prevent new and existing developments from contributing to, or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of inter alia, air pollution and wherever possible help to improve environmental conditions. Planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMA) and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified (para 181).
116. The proposed facility would operate up to two 1.6 MW containerised generating units utilising the mine gas to produce electricity for export. These can be expected to run 24/7. The rural location is not subject to any AQMA designations.
117. An Air Quality Assessment has been submitted to support the application. No issue is raised with the applicant's air dispersal modelling and no risk to human health or the environment is anticipated. This is confirmed by the County Council's contaminated land consultant. Natural England is also satisfied the emissions would not adversely impact on Wellow Park SSSI or a potential SPA for Sherwood. The operational emissions will also be regulated by the Environment Agency and planning decisions should expect this will be effective.

118. The application therefore accords with the air quality objectives within national planning policy and Policy M3.19 in respect of ecological impacts.

#### Mud/dust

119. MLP Policy M3.7 requires dust emissions to be mitigated and managed through the design and operation of developments. Policy M3.12 enables the MPA to require measures to prevent damage to the public highway and to prevent mud and deleterious materials being deposited.
120. There is a possibility of dust emissions being generated during the construction (and decommissioning) period, from the formation of the access track and well pad and from associated construction traffic. A number of residential properties facing Rufford Lane could potentially be affected by the closest works to construct the new access onto the lane. Likewise, mud could potentially be trafficked onto the highway if appropriate steps are not implemented during construction and decommissioning phases.
121. This can be readily addressed through good practice measures being a requirement of a Construction Environment Management Plan (CEMP) which can be secured by planning condition. The MPA would also periodically monitor the conditions and ensure compliance with the planning requirements. Subject to the requirement for a CEMP the proposed development is not considered to pose any significant or unacceptable dust or mud issues and the respective policies are satisfied.

#### Ground and surface water/ contamination issues

122. MLP Policy M3.8 states that permission for minerals development will only be permitted where there would be no risks of polluting ground or surface waters, unless engineering measures and/or operational management systems can adequately mitigate such risks. MLP Policy M3.9 seeks to prevent unacceptable impacts to flood flows, flood storage capacity and to the integrity of local drainage systems.
123. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for development taking into account ground conditions, including risks arising from land instability (such as coal mining) and contamination. Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well the potential sensitivity of the site or the wider area to impacts that could arise from the development. (Para 180). Planning decisions should focus on an acceptable use of land, rather than the control of processes or emissions where these are covered by a separate pollution control regime. Planning decisions should assume that these regimes will operate effectively (para 183).
124. A site desktop and walk-over survey has concluded there is no anticipated ground contamination at this green field site. The site is also not situated on land at risk of flooding.

125. The underlying coal workings, targeted by the applicant, were last worked in the 1960s and the Coal Authority report concludes that any ground movements associated with these workings should have now ceased and that the area is not classed as a high risk area.
126. Above the coal workings is an aquifer through which it is proposed to drill the well to the target point. This forms part of the wider principal aquifer in Nottinghamshire providing potable water supplies and so it is critical that this resource is protected as required by the above policies.
127. The applicant has set out how the well will be constructed using casings which will be grouted in place to prevent any contamination of drilling liquids into the ground water resource. The drilling site would be formed as an impermeable pad and all surface rain-waters and any unintended spillages would be captured and disposed/transferred off site.
128. The County Council's contaminated land advisor has reviewed the proposed development and considers that the development can be built and operated in a safe and environmentally acceptable manner. The Environment Agency is similarly content that the proposed development would not pose any unacceptable environmental risk. Both consultees note that the drilling operation and gas extraction have to be secure and hence be undertaken in accordance with the requirements of an Environmental Permit as well as abiding with the requirements of the Water Resources Act 1991; the Borehole Sites and Operations Regulations 1995; the terms of the Petroleum Development Licensing (PEDL) and Health and Safety legislation.
129. The NPPF makes clear at paragraph 183 that in such circumstances the regulation and control of processes and emissions is a matter for the permitting and other regulatory control systems and that this can be effectively relied upon. There is therefore a strong and established regulatory framework in place governing these types of developments and one which the applicants are experienced and conversant in as demonstrated by their record of developing multiple CMM facilities across Nottinghamshire and beyond.
130. The Environment Agency requests a planning condition requiring surface water drainage schemes to be submitted and subject to this condition the proposed development accords with MLP policies M3.8 and M3.9 ensuring the protection of ground and surface water interests.

#### Site selection/alternative sites

131. The applicant has considered a range of possible surface sites to target the former coal workings at the Top Hard seam. All the alternative sites are situated within the Sherwood Energy Village (SEV) at Ollerton or in close proximity. The application states that all of the sites would be capable for the purposes of drilling to the target workings. This therefore leaves their assessment to surface level effects. The sites considered are shown on Plan 7.
132. Alternative site A, close to the centre of SEV, was first considered by the applicant in 2014 but is no longer available as it is now being developed for apartments, forming a last phase of new housing around the inner circle of the SEV.

133. Site A1 has now been developed into new industrial and business units by the Coalfield Regeneration Trust and is no longer available.
134. Site A2 and A3 together were previously used by a mobile plant and machinery company with external storage, but the site is now vacant and clear. The applicant states that they believe the sites had been sold and expect them to be redeveloped. Furthermore, the site is in close proximity (70m) to housing off Forest Road and adjacent to the cemetery, with intervening trees and a slight embankment only partly offering screening for potential noise.
135. Site B is a large area of County Council owned land partly safeguarded for a possible new railway station on the adjacent mineral railway line. Part of the site also had permission for employment uses but was not implemented and lapsed. In 2015 the applicant approached the County Council about the possibility of securing an Option Agreement to use part of this land, but negotiations were ended after it was considered that the railway safeguarding would pose too much of a constraint. The remaining area is a restored elevated former tip (a bowl-shaped 'amphitheatre') which is a designated public open space in close proximity to residential areas at Back Lane and Forest Road and therefore is not suitable or available.
136. Site C is part of the large Murphy engineering and plant depot on Newark Road. The applicant has made landowner enquiries but has not received any favourable response. In addition, there is a small housing estate within the site which would be noise sensitive.
137. Site D, off Newark Road and to the south of the railway has now been fully developed for housing and is no longer available.
138. Site E is a vacant area of SEV between Newark Road and the rear of Tesco which is being marketed for sale and has planning permission for housing. The housing has been partly developed in one corner. In addition to the adjacent housing there is also an adjacent care facility.
139. As with any such exercise each site will have its differing merits and impacts of one kind or another. For example, many have been discounted by the applicant owing to their proximity to residential properties, a reflection of the built-up nature of Ollerton and the fairly recent introduction of new housing (and care facilities) onto the Sherwood Energy Village. Similar CMM facilities have predominantly been situated on former colliery sites which have been redeveloped for less sensitive commercial uses or restored to country parks.
140. Planning officers have considered each site and it has been seen that many have now been built on, ruling them out of contention. The introduction of housing in SEV and the prevailing low background noise levels has also changed the situation, making it difficult, if not unfeasible for the applicant to design a scheme which would result in acceptable levels of noise (from 24/7 generation) to these residents. In addition, some sites are in proximity to the restored colliery tips which are ecologically sensitive to noise. Other sites are not available as they are safeguarded for railway use or through the unwillingness of landowners.

141. The proposed site whilst generally avoiding proximity to residential properties meanwhile results in its own impacts to the rural landscape and to the heritage interests connected with Rufford Abbey estate.
142. Planning case law generally does not favour an approach whereby sites are traded off against each other and instead the decision maker should focus on the acceptability in planning terms of the proposed development site. However in cases where there are identified and unavoidable (through mitigation) impacts resulting in the choice of site, an assessment of alternative sites can be undertaken and if it appears that there may be an obviously more suitable and planning compliant site which is reasonably available this could form a reason for refusal.
143. The choice of site will necessarily involve a planning balance weighing up various and sometimes competing factors. Removal of impacts to the landscape and heritage assets would likely have to be balanced against an increased and likely excessive impact to local and residential amenity if the development was to be located on one of the alternative sites. The identified impacts (heritage and landscape) of the proposed site meanwhile are not considered substantial, and the rural location avoids properties sensitive to noise and pollution, whereas the alternative sites would likely result in significant impacts to amenity through noise and added air emissions. Consequently, it is not obvious that any of the alternative sites considered would be better placed to accommodate the proposed development, taking all considerations in the round.
144. Planning officers do however consider that the situation could be very different in future years. There may come a point when the Coal Mine Methane depletes to levels where it may first need supplementing with mains gas (as cited within the application) and may eventually transition to a point where mains gas takes over from the CMM. The supplementation of CMM gas with mains gas would be acceptable and enables a fuller recovery of the CMM resource than would otherwise be possible. However, if the CMM use was to become secondary to mains gas supply, this would remove one of the main locational justifications for selecting the site and it should trigger a site restoration.

#### Agriculture/conservation of soil resources

145. The proposed site is situated on arable farmland classified between Grade 2 (very good) and Grade 3 (good to moderate) on the Agricultural Land Classification map.
146. MLP Policy M3.16 seeks to steer new mineral development to land which is not Best and Most Versatile agricultural (BMV) land (classed as Grades 1, 2 and 3a) unless one of three exemptions applies.
147. The first exception is where the proposals would not affect the long term agricultural potential of the land. Soils from the proposed site development would be stripped and stored in a landscape bund until the end of the site's production or when otherwise required to be decommissioned and restored. With good handling practice it would therefore be possible to return the land back to the equivalent arable field use to satisfy this policy.

148. The second exemption is where there are no available alternatives and the need for the development outweighs the agricultural interest. As considered above the applicant has undertaken a site selection process which has resulted in the application site being selected. Alternative sites have been discounted as not suitable for differing reasons such as the close proximity to housing. The third exception is therefore applicable which is where available lower value land (in this case brownfield land in/around Sherwood Energy Village) has sustainability consideration which outweighs the agricultural interest.
149. Therefore, whilst the development would result in the use and temporary loss of a small area of BMV agricultural land, it is considered acceptable against Policy M3.16 on the basis of there being no obvious suitable alternative sites and that the site will be restored back to agriculture on decommissioning of the development. To assist in achieving this a planning condition can require soil handling and storage to be done to good practice.

#### Restoration and aftercare/afteruse

150. MLP Policy M4.1 states that minerals development should be designed to allow a phased sequence of extraction, reclamation and after-use.
151. Policy M13.7 states that where planning permission for oil and methane development is granted, conditions will be imposed requiring the site to be restored back to its original use as soon as practical once the development is no longer required. The supporting text explains that it is normally possible to rapidly reclaim these sites back to their previous state and use, including any temporary access or roadways, unless there are sufficient benefits for their retention for agricultural or other purposes.
152. Policy M4.9 states that aftercare conditions will be attached where restoration is to agriculture after use. Policies M4.10 and M4.12 seek to secure restoration and aftercare schemes which maximise opportunities to biodiversity and the environment.
153. Paragraph 205e) of the NPPF requires site restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards.
154. There are varying opinions between interested parties as to what form the site should eventually be restored to. The County Ecologist is of the opinion that the perimeter planting (which would by that point be well-established) should be augmented with further tree planting to create a small woodland. The Parish Council however request restoration back to the land's original farming condition and this is also the applicant's preference as this would accord with their terms of lease with the landowner by returning the land back to agricultural use. The interrelationship between the landscape and the immediate heritage interests must also be considered in this balance. In doing so officers consider it is appropriate to require restoration back to agricultural use in this instance, whilst retaining as much of the peripheral planting as possible along the current hedgerow/field boundaries to also deliver the environmental enhancements sought by planning policy. In terms of the future of the access track, it is

considered reasonable to require this is removed if no longer required upon cessation of the development.

155. Detailed restoration plans for the agricultural restoration can be required through planning conditions. It would be necessary for these conditions to require site restoration in the event that the development partly proceeded and was potentially not fully developed (with no prospect of being so) and in the case where the site ceases to extract CMM for a length of time (6 months) and upon final cessation of gas extraction with a backstop of 25 years from the date of initial gas extraction.
156. A standard aftercare period of up to 5 years is considered reasonable to review the standard of restoration and to remedy any landscaping or planting failures. If completed satisfactorily the site could be released from aftercare within the 5 year period.
157. Subject to these, appropriate restoration controls can be put in place in accordance with MLP policies M13.7, M4.1, M4.9, M4.10 and M4.12 and national planning policy.

#### Socio-economics

158. Whilst the proposed development may not directly lead to any permanent increase in employment roles, it would support existing roles in the company and those involved in servicing and maintaining the company's portfolio of sites. The construction, drilling and eventual decommissioning phases would also support various consultants, contractors and suppliers. The applicant states they have a policy of sourcing hardcore, fencing and construction materials from local suppliers and that local plant hire companies will be encouraged to tender for contracts. Business rates would be payable on the generation of electricity. These associated economic benefits from mineral extraction should be afforded great weight in accordance with paragraph 205 of the NPPF.

#### Other issues

159. The applicant understands that a suitable electrical grid connection can be obtained. The proposed cable route from Rufford Lane is included in the submitted plans. If, in the future, it is not possible to connect to the local grid, the applicant will seek separate consents to lay a private cable from the site access at Rufford Lane to its Bevercotes Energy Park (this may require separate planning permission).

#### Planning balance

160. As set out above, there are certain issues which require balancing in reaching a determination. There are identified impacts to the setting of the nearby New Park Wood Registered Park and Garden (RPG) (Grade II listed) as a result of introducing a semi-industrial character of development to its environs and in line with a historic vista and ride leading out of New Park Wood, but now lost through revegetation of the woodland edge. With this, there is an associated impact to the landscape and rural character of the area, although no objection is raised from

the County landscape advisors. There may be residual impacts from construction traffic, noise and associated activity along the eastern part of Rufford Lane and into/out of Wellow village, but these temporary impacts have been found to be acceptable subject to controls.

161. Set against this are the evident public and economic benefits from the construction and operation of the proposed facility and the contribution to the UK's electricity supply. Great weight should be afforded to the benefits of this form of mineral extraction, including to the economy as per paragraph 205 of the NPPF.
162. In addition to this over-arching exercise, paragraph 196 of the NPPF sets a specific test that where in the instance of identified less than substantial harm to a designated heritage asset arises this needs to be weighed against the *public* benefits (emphasis added) of the proposal. Considerable importance and weight should still be afforded to the preservation of the heritage interests in all cases and the public benefits resulting from the proposed development should be clearly discernible, substantial and robust. It is notable that the 'public benefits' weighing test for in the case of impacts of a less than substantial nature is not as high a test to clear as for where substantial harm would arise – where substantial public benefits would need to be demonstrated (and which should in any case be exceptional).
163. The impacts to the setting of the RPG is assessed as 'less than substantial harm' and clearly so. The applicant has put forward a number of public benefits which they consider would result from their proposed development:
  - making use of the mining legacy for the benefit of the community and the wider economy by utilising coal mine gas which would otherwise go to waste, to produce electrical power embedded into the local electricity grid;
  - reducing the need for conventional oil and gas;
  - safeguarding jobs for those employed by Alkane Energy; employment of the firms employed to carry out the site preparation, construction and drilling operation;
  - providing work to the firms supplying the plant and equipment and the electrical and mechanical installations on the site; and
  - provision of business rates for both the mine gas extraction and power generation operations, some of which will now be made available to the local council.
164. Of these it is considered evident that the generation of electricity for the UK grid is clearly a public benefit, along with contributions of business rates, but that other benefits may be restricted to private and commercial benefits (which can still be taken into consideration outside of this particular test, in the wider planning balance). As the level of harm is at the lower end of less than substantial harm, it is considered that the public benefits of the development's contribution to the UK electricity supply (and to its role in transitioning to a low carbon and renewable future), along with the business rates are capable of clearly outweighing the identified heritage and associated landscape impacts. Furthermore, as other

impacts to the environment and amenity are considered satisfactory subject to appropriate controls and that alternative sites considered would result in likely unacceptable impacts to other such interests, the balance clearly weighs in favour of exploiting the mine gas resource and a grant of planning permission. The development would still be compatible with climate change objectives and is compliant with the sustainable development objectives within MLP Policy M2.1 and national planning guidance.

### **Other Options Considered**

165. In selecting the application site the applicant has considered alternative sites as set out in the report. The County Council is under a duty to consider the planning application as submitted.

### **Statutory and Policy Implications**

166. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

#### Crime and Disorder Implications

167. The development would be formed as a securely fenced compound with remote monitoring systems and other security measures.

#### Data Protection and Information Governance

168. All members of the public who have made representations on this application are informed that copies of their representations, including their names and addresses, are publicly available and are retained for the period of the application and for a relevant period thereafter.

#### Human Rights Implications

169. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the Protocol (Protection of Property) and Article 6.1 (Right to a Fair Trial) are those to be considered and may be affected due to the presence of a small number of residential properties along the proposed construction traffic route. The proposals have the potential to introduce impacts such as construction traffic, noise and dust upon these residents. However, these potential impacts need to be balanced against the wider benefits the proposals would provide in terms of its contribution to the UK electricity supply. Members need to consider

whether the benefits outweigh the potential impacts and reference should be made to the Observations section above in this consideration.

#### Public Sector Equality Duty Implications

170. The report and its consideration of the planning application has been undertaken in compliance with the Public Sector Equality duty and there are no identified impacts to persons/service users with a protected characteristic.

#### Implications for Service Users

171. Issues related to the public highway and public rights of way networks are considered in the report.

#### Implications for Sustainability and the Environment

172. These have been considered in the Observations section above, including assessment of ecological and landscape impacts and impacts from various emissions to the environment.
173. There are no financial; human resource; or children/adults at risk implications.

### **Conclusion**

174. The choice of site for the proposed development has been assessed to result in less than substantial harm to the setting of the nearby Grade II listed Rufford Registered Park and Garden and a level of landscape and visual intrusion which cannot fully be mitigated with screening planting. Suitable access and construction traffic routeing is proposed and the noise, amenity and ecological impacts considered satisfactory. Other emissions to the environment would be within acceptable thresholds and controllable through planning conditions and permitting/licensing requirements. The site would be restored back to its agricultural use on cessation of gas extraction. Great weight should be afforded to the recovery of the mine gas resource, which would not be incompatible with climate change objectives during a transition period. Whilst due weight is afforded to the protection of heritage assets, the public benefits resulting from the generation of electricity and associated business rates are considered clearly sufficient to outweigh the identified heritage and associated landscape impacts in this case. Possible alternative sites have been adequately considered. The grant of conditional planning permission is therefore recommended.

### **Statement of Positive and Proactive Engagement**

175. In determining this application the Minerals Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions; assessing the proposals against relevant Development Plan policies; the National Planning Policy Framework, including the accompanying technical guidance. The Minerals Planning Authority has identified all material

considerations; forwarding consultation responses that may have been received in a timely manner; considering any valid representations received and liaising with consultees to resolve issues and progressing towards a timely determination of the application. Issues of concern have been raised with the applicant, such as impacts of noise and construction traffic and have been addressed through additional information and assessments. The applicant has been given advance sight of the draft planning conditions. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

## **RECOMMENDATIONS**

176. It is **RECOMMENDED** that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

**ADRIAN SMITH**

**Corporate Director – Place**

## **Constitutional Comments**

Planning and Licensing Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

[RHC 26/3/2019]

## **Comments of the Service Director - Finance (SES 22/03/19)**

There are no specific financial implications set out in the report.

## **Background Papers Available for Inspection**

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

## **Electoral Divisions and Members Affected**

Sherwood Forest

Councillor John Peck

Ollerton

Councillor Mike Pringle

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